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and CHIEF STEVE MacKINNON

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

PHILLIP GARCIA GUEVARA,  
Plaintiff,

v.

CITY OF SANTA PAULA, CHIEF  
STEVE MacKINNON, and DOES 1  
through 10, inclusive,  
Defendants.

No. CV11-04089 RGK (FFMx)

**PROTECTIVE ORDER  
[PROPOSED]**

**NOTE CHANGES MADE BY  
COURT**

Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that:

1. The documents subject to this agreement are documents responsive to plaintiff's Request for Production (Set One). Defendant City of Santa Paula has responded with objections to Item Nos. 1, 2, 5, 6, 8-15, 25, 26, 28, 52, 54, and 55 and served a privilege log (attached hereto as "Attachment 1") for documents and things for which defendant asserts various privileges.

2. The documents and items delineated in the privilege log, per a stipulation of the parties, are the proper subject of a privilege. The Court orders the following information to be confidential:

(a) Santa Paula Police Department use of force reports (Bates Nos. 02252-02277);

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1 (b) CD with recorded statements of officers Walter Harper and Scott  
2 Varner (01087);

3 (c) Reports regarding statements of officers Walter Harper and Scott  
4 Varner (02004-02022);

5 (d) Walter Harper training logs (02058-02059);

6 (e) Scott Varner training logs (02060);

7 (f) Scott Varner personnel file (02061-02115);

8 (g) Walter Harper personnel file (02116-02168); and

9 (h) Internal affairs investigations regarding Walter Harper and Scott  
10 Varner (02297-02451).

11 3. Defendants may redact highly personal and irrelevant confidential  
12 information regarding police officers contained in the personnel files and documents,  
13 including, but not limited to, home addresses, phone numbers, names of family  
14 members and references, personal injury and workers' compensation information,  
15 salary information, tax return information, non-police-related occupational and  
16 educational information, and similar information. In addition, defendants may redact  
17 the name, address, and telephone number of non-party witnesses contained in the  
18 confidential documents concerning incidents apart from the incident giving rise to  
19 this litigation.

20 4. The Court may modify this protective order at any time for good cause  
21 shown and upon notice to the affected parties. The parties themselves may further  
22 stipulate to add or delete documents or information subject to this protective order.

23 5. Said documents were acquired in confidence and are the proper subject  
24 of a privilege in connection with this litigation, and the defendants' concerns of  
25 privilege and other objections raised in their response and outlined in their privileges  
26 are adequately protected by the protective agreement and order.

27 6. The defendants may produce to plaintiff's counsel the documents  
28 referenced in this protective order subject to the following protections:

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1 (a) All such documents, writings, and information will be considered  
2 confidential information. This confidential information shall be used solely in  
3 connection with this case and the preparation and trial of this case, or any related  
4 appellate proceedings, and not for any other purpose.

5 (b) Said documents and information in connection with this litigation  
6 shall not be disclosed by plaintiff or his attorneys to anyone other than:

- 7 (1) The plaintiff's attorney and staff;  
8 (2) Any expert or consultant hired or retained by plaintiff and  
9 his attorney;  
10 (3) Any judge or magistrate judge presiding over any aspect of  
11 this action;  
12 (4) Any mediator or other settlement officer agreed to or  
13 appointed to assess and evaluate the dispute;  
14 (5) Subject to the below exceptions, any witnesses disclosed by  
15 any party pursuant to Rule 26(a)(1), (2), and (3) of the Federal Rules of Civil  
16 Procedure and local rules, or any deponent in the course of testifying or preparing for  
17 testimony.

18 7. The materials contained in the personnel files of Walter Harper and Scott  
19 Varner shall not be provided to or reviewed by the plaintiff, the plaintiff's family, or  
20 friends of the plaintiff.

21 8. Said documents and information shall not be provided to the news  
22 media, television, or radio, placed on the Internet, or published in any other fashion.

23 9. All persons to whom said documents are disclosed in connection with  
24 this litigation will be apprised of this stipulation and of its binding nature on all  
25 persons connected with this case.

26 10. To the extent that any confidential information is disclosed to a witness  
27 in connection with this litigation, pursuant to this order the documents shall be

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appropriately marked “Confidential document produced in *Guevara v. City of Santa Paula, et al.*, subject to protective order.”

11. Confidential information or documents shared with or otherwise disclosed to witnesses in connection with this litigation shall be returned to the disclosing party at the conclusion of this action. All copies of records, recordings, photographs, or any other materials produced pursuant to the protective order shall be returned to counsel for defendants forthwith at the conclusion of this action, not to exceed 30 days.

12. There is no concession by defendants as to the admissibility of such items herein disclosed, and defendants have the right to seek exclusion of any such items or the information contained therein or their existence either in limine or during trial.

13. Disclosure of said documents shall be made within ten days of receipt by defendants of a signed, conformed order of the Court.

**14. Nothing herein shall be construed as relieving anyone from fully complying with any obligations imposed by a duly issued subpoena or other process issued by a court or administrative agency. (FFM)**

**IT IS SO ORDERED.**

Dated: 1/12/12

/S/ FREDERICK F. MUMM  
FREDERICK F. MUMM  
United States Magistrate Judge